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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/649567 Confirmation No. 5973
First Named Inventor : Garber, Frank
Filed : 08/27/2003
Title : Hip Prosthesis with a Modular Acetabular Cup Assembly
TC/A.U. : 3764
Examiner : A. Reimers

Atty. Docket No. : 0103-0036 (ZM0521)
Customer No. : 43231

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

ELECTION OF SPECIES

Sir:

In an election requirement dated 12/29/2004, the Examiner required election under 35 U.S.C. 121 of a single disclosed species. Applicant provisionally elects, with traverse, Species I, corresponding to Figure 4. The claims readable on Species I include: 1, 2, 7, 8, 11, 12, 13, 16, 17, and 20.

Applicant traverses this election requirement on the grounds that Examiner unintentionally omitted FIGS. 1-3 from the listing of Species. In a telephone interview with Examiner on January 11, 2005, Applicant and Examiner reached agreement that FIGS. 1-3 depict an illustrative example of the invention containing most of the claimed elements. FIGS. 4-8 depict optional thread configurations for the example of FIGS. 1-3. Applicant and Examiner specifically discussed FIG. 4 and that it is similar to FIGS. 1-3 in that it includes a spherical thread crest and a spherical thread root. Examiner indicated tentative agreement that FIGS. 1-4 are appropriately included in Species I. Applicant respectfully requests that FIGS. 1-4 be included in Species I. The claims that read on FIGS. 1-4 include: 1, 2, 7, 8, 11, 12, 13, 14, 15, 16, 17, and 20.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 50-2779.

Respectfully submitted,

Dated: 01/12/2005

By: 

Cary R. Reeves

Registration No. 35,334

P.O. Box 1268

Aledo, TX 76008

Telephone: (817) 594-5994